

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Missing Persons Identification Act is
5 amended by changing Section 10 and by adding Sections 90 and 92
6 as follows:

7 (50 ILCS 722/10)

8 Sec. 10. Law enforcement analysis and reporting of missing
9 person information.

10 (a) Prompt determination of high-risk missing person.

11 (1) Definition. "High-risk missing person" means a
12 person whose whereabouts are not currently known and whose
13 circumstances indicate that the person may be at risk of
14 injury or death. The circumstances that indicate that a
15 person is a high-risk missing person include, but are not
16 limited to, any of the following:

17 ~~(A) the person is missing as a result of a stranger~~
18 ~~abduction;~~

19 ~~(B) the person is missing under suspicious~~
20 ~~circumstances;~~

21 (A) ~~(C)~~ the person is missing under unknown
22 circumstances;

23 ~~(D) the person is missing under known dangerous~~

1 ~~circumstances;~~

2 (B) ~~(E)~~ the person is missing more than 30 days;

3 (C) ~~(F)~~ the person has already been designated as a
4 high-risk missing person by another law enforcement
5 agency;

6 (D) ~~(G)~~ there is evidence that the person is at
7 risk because:

8 (i) the person is in need of medical attention
9 or prescription medication;

10 (ii) the person does not have a pattern of
11 running away or disappearing;

12 (iii) the person may have been abducted by a
13 non-custodial parent;

14 (iv) the person is mentally impaired;

15 (v) the person has an active order of
16 protection against another or has requested an
17 order of protection within the previous 12 months
18 ~~is under the age of 21;~~

19 (vi) the person has been the subject of past
20 threats or acts of violence by another;

21 (vii) the person has been the victim of
22 domestic violence, stalking, aggravated stalking,
23 a sex offense under Article 11 or bodily harm under
24 Article 12 of the Criminal Code of 1961, attempted
25 murder, or any documented act or threat of violence
26 ~~eloped from a nursing home; or~~

1 (E) ~~(H)~~ any other factor that may, in the judgment
2 of the law enforcement official, indicate that the
3 missing person may be at risk.

4 (2) Law enforcement risk assessment.

5 (A) Upon initial receipt of a missing person
6 report, the law enforcement agency shall immediately
7 determine whether there is a basis to determine that
8 the missing person is a high-risk missing person.

9 (B) If a law enforcement agency has previously
10 determined that a missing person is not a high-risk
11 missing person, but obtains new information, it shall
12 immediately determine whether the information
13 indicates that the missing person is a high-risk
14 missing person.

15 (C) Law enforcement agencies are encouraged to
16 establish written protocols for the handling of
17 missing person cases to accomplish the purposes of this
18 Act.

19 (3) Law enforcement agency reports.

20 (A) The responding local law enforcement agency
21 shall immediately enter all collected information
22 relating to the missing person case in the Law
23 Enforcement Agencies Data System (LEADS) and the
24 National Crime Information Center (NCIC) databases.
25 The information shall be provided in accordance with
26 applicable guidelines relating to the databases. The

1 information shall be entered as follows:

2 (i) All appropriate DNA profiles, as
3 determined by the Department of State Police,
4 shall be uploaded into the missing person
5 databases of the State DNA Index System (SDIS) and
6 National DNA Index System (NDIS) after completion
7 of the DNA analysis and other procedures required
8 for database entry.

9 (ii) Information relevant to the Federal
10 Bureau of Investigation's Violent Criminal
11 Apprehension Program shall be entered as soon as
12 possible.

13 (iii) The Department of State Police shall
14 ensure that persons entering data relating to
15 medical or dental records in State or federal
16 databases are specifically trained to understand
17 and correctly enter the information sought by
18 these databases. The Department of State Police
19 shall either use a person with specific expertise
20 in medical or dental records for this purpose or
21 consult with a chief medical examiner, forensic
22 anthropologist, or odontologist to ensure the
23 accuracy and completeness of information entered
24 into the State and federal databases.

25 (B) The Department of State Police shall
26 immediately notify all law enforcement agencies within

1 this State and the surrounding region of the
2 information that will aid in the prompt location and
3 safe return of the high-risk missing person.

4 (C) The local law enforcement agencies that
5 receive the notification from the Department of State
6 Police, or otherwise are aware that a high-risk missing
7 person may be in the area, shall notify officers to be
8 on the lookout for and to actively search for the
9 missing person or a suspected abductor.

10 (D) Pursuant to any applicable State criteria,
11 local law enforcement agencies shall also provide for
12 the prompt use of an Amber Alert in cases involving
13 abducted children; or public dissemination of
14 photographs in appropriate high risk cases.

15 (Source: P.A. 95-192, eff. 8-16-07.)

16 (50 ILCS 722/90 new)

17 Sec. 90. Exempt mandate. Notwithstanding Sections 6 and 8
18 of the State Mandates Act, no reimbursement by the State is
19 required for the implementation of any mandate created by this
20 Act.

21 (50 ILCS 722/92 new)

22 Sec. 92. Home rule preemption. All law enforcement
23 agencies, including those of home rule units, must comply with
24 the requirements of this Act. Governmental entities employing

1 law enforcement personnel are authorized to take additional
2 steps to ensure that the purposes of this Act are accomplished.
3 This Section is a limitation under subsection (i) of Section 6
4 of Article VII of the Illinois Constitution on the concurrent
5 exercise by home rule units of powers and functions exercised
6 by the State.

7 Section 90. The State Mandates Act is amended by adding
8 Section 8.33 as follows:

9 (30 ILCS 805/8.33 new)

10 Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8
11 of this Act, no reimbursement by the State is required for the
12 implementation of any mandate created by the Missing Persons
13 Identification Act.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.